

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SANDRIA L. SHELDON, #1363945	§	
VS.	§	CIVIL ACTION NO. 6:08cv95
LESLIE MCLEAN	§	

ORDER OF DISMISSAL

Plaintiff Sandria L. Sheldon, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit against her criminal trial attorney. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the lawsuit should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit.

The Report and Recommendation correctly explained that the Plaintiff's criminal trial attorney cannot be directly liable in a § 1983 lawsuit. *See Briscoe v. LaHue*, 460 U.S. 325, 329 n.6 (1983); *Polk County v. Dodson*, 454 U.S. 312 (1981); *Slavin v. Curry*, 574 F.2d 1256, 1265 (5th

Cir. 1983). The Plaintiff stated in her objections that the lawsuit should not be dismissed because her attorney violated the Rules of Professional Conduct. Her objections do not show that she has a basis for a meritorious civil rights lawsuit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). All motions not previously ruled on are **DENIED**.

So ORDERED and SIGNED this 11th day of August, 2008.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE